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**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q78497

Jun TOSHIMITSU, et al.

Appln. No.: 10/712,998

Group Art Unit: 1713

Confirmation No.: 9399

Examiner: Marie L. REDDICK

Filed: November 17, 2003

For: FLAME RETARDANT ETHYLENE FAMILY RESIN COMPOSITE AND FLAME  
RETARDANT ELECTRIC WIRE CABLE

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. §§ 1.97 and 1.98**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

1. International Publication No. WO01/39212A1, published May 31, 2001;
2. EP1092751A1 published April 18, 2001;
3. WO99/05688A1 published February 4, 1999;
4. EP1106648A1 published June 13, 2001; and
5. Kazushi Mimura et al., "Halogen-Free Fire Resistant Polyolefin Compositions for Fire-Resistant Electric Wire Covering", XP00293628, Hitachi Cable, Ltd, December 4, 2001 (abstract only).

INFORMATION DISCLOSURE STATEMENT  
U.S. Appln. No.: 10/712,998

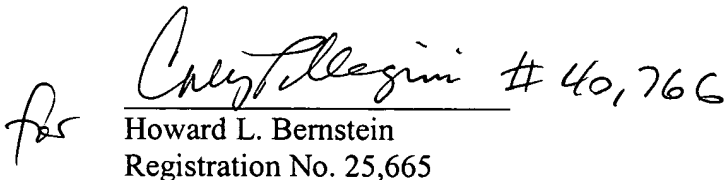
One copy of each of the listed documents is submitted herewith, except for the following: 6,277,908; 6,414,059; and 2001/0025720, U.S. patents as this application was filed after June 30, 2003; and European Search Report dated September 7, 2004 issued in the corresponding European Patent Application which cites such documents.

The present Information Disclosure Statement is being filed after the later of three months from the application's filing date and the mailing date of the first Office Action on the merits, but before a Final Office Action, Notice of Allowance, or an action that otherwise closes prosecution in the application (whichever is earlier), and therefore Applicant is filing concurrently herewith a Statement Under 37 C.F.R. § 1.97(e). No fee under 37 C.F.R. § 1.17(p) is required.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this paper is attached.

Respectfully submitted,

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WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: December 3, 2004



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**STATEMENT UNDER 37 C.F.R. § 1.97(e)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The undersigned hereby states, upon information and belief:

That each item of information contained in the Information Disclosure Statement filed  
concurrently herewith was first cited in any communication from a foreign patent office in a  
counterpart foreign application not more than three months prior to the filing of said Information  
Disclosure Statement.

Respectfully submitted,

*for* Howard L. Bernstein #40,766  
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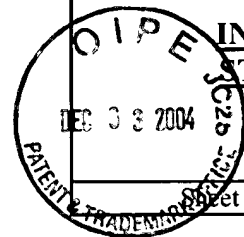
Substitute for Form 1449 A &amp; B/PTO

Complete if Known

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Application Number	10/712,998
Confirmation Number	9399
Filing Date	November 17, 2003
First Named Inventor	Jun TOSHIMITSU
Art Unit	1713
Examiner Name	Marie L. REDDICK
Attorney Docket Number	Q78497

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Number	Kind Code <sup>2</sup> (if known)		
		US 6,277,908	B1	08/21/2001	Yamamoto
		US 6,414,059	B1	07/02/2002	Kobayashi et al.
		US 2001/0025720	A1	10/04/2001	Bisleri et al.
		US			
		US			
		US			
		US			
		US			
		US			

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Translation <sup>6</sup>
		Country Code <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)			
		WO	01/39212	A1	05/31/2001	Sumitomo Electric Industries, Ltd.	
		EP	1 092 751	A1	04/18/2001	Dow Corning Toray Silicone Co., Ltd.	
		WO	99/05688	A1	02/04/1999	Pirelli Cavi E Sistemi S.P.A.	
		EP	1 106 648	A1	06/13/2001	Rehau AG +Co.	

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city, and/or country where published.	Translation <sup>6</sup>
		KIMURA, Kazushi et al. "Halogen-Free Fire Resistant Polyolefin Compositions for Fire-Resistant Electric Wire Covering", XP002293628, retrieved from STN Database accession no. 2001:873306 *abstract* & Japan 335702 A (HITACHI CABLE, LTD., Japan) December 4, 2001 (abstract only).	

Examiner Signature

Date Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kind Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov), MPEP 901.04 or in the comment box of this document. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to indicate here if English language Translation is attached.